

Image

1771



BAY-210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAYCHAR

Serial No. 08/887,847

Group Art Unit: 1771

Filed: July 3, 1997

Examiner: A. Singh

For: WATERPROOF/BREATHABLE MOISTURE TRANSFER LINER INCLUDING A
THREE PART COMPOSITE CAPABLE OF WICKING MOISTURE AWAY
FROM AN INDIVIDUAL'S BODY AND CAPABLE OF REGULATING
TEMPERATURE (As Amended)

**REQUEST FOR RECONSIDERATION OF
PREVIOUSLY SUBMITTED SUBSTITUTE SPECIFICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a communication mailed from the Patent Office on
September 10, 2003, the Examiner alleges that the use of
Trademarks/Tradenames has not been addressed correctly. As a
result, the Examiner maintains that the last response is
incomplete. Applicant respectfully disagrees.

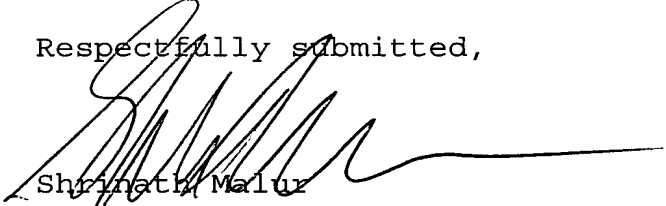
The Examiner requires three criteria to be met, namely
that the mark should be in ALL CAPS, followed by either a
trademark or copyright symbol and be accompanied by the
generic terminology. In particular, the Examiner requires
that all three of these criteria must be met.

However, the MPEP §608.01(b) clearly requires that trademarks should be "identified by capitalizing each letter of the mark (in the case of word or letter marks) or otherwise indicating the description of the mark".

Nonetheless, since the Examiner specifically cited LYCRA in an Office Action mailed February 12, 2003, a replacement substitute specification is being provided to identify LYCRA as a registered trademark. Applicant submits that this amendment is not required for this trademark or any of the remaining trademarks used in the application.

The Commissioner is hereby authorized to charge Deposit Account 50-1417 for any fees that are deemed necessary.

Respectfully submitted,



Shrinath Malur
Registration No. 34,663
Attorney for Applicant

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: September 17, 2003